

Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

PUBLIC NOTICE INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

GP04-03-03 & PDC04-069, A General Plan Amendment to change the Land Use Transportation Diagram from Light Industrial to High Density Residential (25-50 DU/AC) and a proposed rezoning from LI Light Industrial to Planned Development Zoning District to allow for the development of up to 220 attached single family residences and a public park on a 10.2 gross acre site, and subsequent permits (Gahrahmat Family Limited Partnership, Owner, Pulte Home Corporation, Developer).

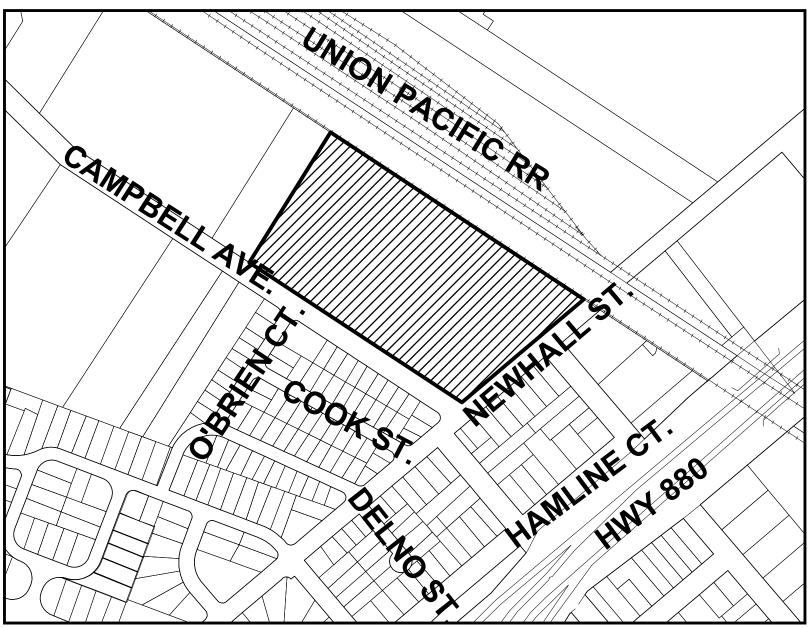
Council District: 3

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on November 24, 2004, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on November 10, 2004 and ends on November 29, 2004

A public hearing on the project described above is tentatively scheduled to be heard by the Planning Commission on **November 29, 2004** at **6:00 PM** and the City Council on **December 14, 2004** at **7:00 PM** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Rosegarden Branch Library 1580 Naglee Ave, San José, CA 95110 San Jose, and online at http://www.sanjoseca.gov/planning/eir/MND2004.htm Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Mike Mena** or **Richard Buikema** at (408) 277-4576.

	Stephen M. Haase, AICP Director, Planning, Building and Code Enforcement
Circulated on: November 10, 200	Deputy
MNDPN/SBA/2/11/03 REV. JAC 12/29/03	



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Scale: 1"=300'

File No: PDC04-069

District: 03

Quad No: 66

Map Created On: **08/09/2004**



Department of Planning, Building and Code Enforcement STEPHEN M. HAASE, AICP, DIRECTOR

DRAFT MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Altura

PROJECT FILE NUMBER: GP04-03-03 and PDC04-069

PROJECT DESCRIPTION: General Plan Amendment from Light Industrial to High Density Residential (25-50 du/ac) and Planned Development Zoning from HI Heavy Industrial District to A(PD) Planned Development Zoning District to allow up to 220 single family attached residences on an approximately 10.1 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Northeasterly quadrant of Campbell Avenue and Newhall Street (1120 to 1140 Campbell Avenue); APN 230-14-031 and -032

COUNCIL DISTRICT: 3

NAME OF APPLICANT: Pulte Home Corporation

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

6210 Stoneridge Mall Road, 5th Floor, Pleasanton, CA 94566 925-249-3200

Attn: Vince Cantore

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

AESTHETICS

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

The project shall incorporate the following San Jose 2020 General Plan Policies as part of the project's Program Level Mitigation Measures:

- Urban Design Policy No. 1
- Urban Design Policy No. 2
- Urban Design Policy No. 4
- Urban Design Policy No. 6
- Urban Design Policy No. 7
- Urban Design Policy No. 15
- Urban Design Policy No. 16

- Urban Design Policy No. 18
- Urban Design Policy No. 22
- Urban Design Policy No. 24
- Housing Goal No. 5
- Energy Policy No. 6
- Energy Policy No. 7

MITIGATION MEASURES INCLUDED IN THE PROJECT

- Trees and landscaping shall be provided.
- Downward-directed low pressure sodium vapor street lights along the public streets and downward-directed lights with low
 elevation standards in the parking areas shall be provided in order to prevent offsite light and glare.
- Public streets that are impacted by project construction activities shall be swept and washed down daily.
- Debris, rubbish and trash shall be cleared from any areas onsite that are visible from a public street.

AIR QUALITY

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

The project shall incorporate the following San Jose 2020 General Plan Air Quality and Hazard Policies as part of the project's Program Level Mitigation Measures:

• Air Quality Policy No. 1

• Hazards Policy No. 1

• Air Quality Policy No. 2

MITIGATION MEASURES INCLUDED IN THE PROJECT

The following construction practices shall be implemented during all phases of construction for the proposed project: 1) water all active construction areas at least twice daily or as often as needed to control dust emissions; 2) cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard; 3) apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas during construction of the site; 4) sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust; 5) sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material; 6) hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); 7) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust; 8) limit traffic speeds on unpaved roads to 15 mph; 9) install sandbags or other erosion control measures to prevent silt runoff to public roadways; and 10) replant vegetation in disturbed areas as quickly as possible.

BIOLOGICAL RESOURCES

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

The project shall incorporate the following San Jose 2020 General Plan Policies as part of the project's Program Level Mitigation Measures:

- Urban Design Policy No. 2
- Urban Design Policy No. 15
- Urban Design Policy No. 24
- Historic, Archaeological and Cultural Resources Policy No. 10
- Species of Concern Policy No. 2
- Urban Forest Policy No. 2
- Urban Forest Policy No. 5
- Urban Forest Policy No. 6
- Urban Forest Policy No. 7

- Approval shall be obtained with the PD Permit for the removal of any tree with a diameter of 18 inches (56-inch circumference) or greater; and any such tree that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.
- All non-orchard trees that are to be removed shall be replaced at the following ratios:
 - Each tree less than 12 inches in diameter to be removed shall be replaced with one 15-gallon tree.
 - Each tree 12 inches to 17 inches in diameter to be removed shall be replaced with two 24-inch box trees.

• Trees 18 inches in diameter or greater shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees; and each tree 18 inches in diameter or greater to be removed shall be replaced with four 24-inch box trees.

The species and exact number of trees to be planted on the site shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

- In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented at the project stage:
 - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Planning Division.
 - A donation of \$300.00 per mitigation tree shall be made to Our City Forest or San Jose Beautiful for in-lieu offsite tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for offsite tree planting shall be provided to the Director of the Planning Division prior to issuance of a grading permit.
- If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading or building permit.

CULTURAL RESOURCES

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

The project shall incorporate the following San Jose 2020 General Plan Policies as part of the project's Program Level Mitigation Measures:

- Historic, Archaeological and Cultural Resources Policy No. 1
- Historic, Archaeological and Cultural Resources Policy No. 8
- Historic, Archaeological and Cultural Resources Policy No. 9

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of the Planning Division.

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Any Native American human remains that are discovered and would be subject to disturbance shall be removed and analyzed, a report shall be prepared, and the remains shall be reburied in consultation and agreement with the Native American Most Likely Descendant designated by the Native American Heritage Commission.

GEOLOGY AND SOILS

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

The project shall incorporate the following San Jose 2020 General Plan Policies as part of the project's Program Level Mitigation Measures:

- Hazards Policy No. 1
- Hazards Policy No. 2
- Soil and Geologic Conditions Policy No. 1
- Soil and Geologic Conditions Policy No. 3
- Soil and Geologic Conditions Policy No. 6

- Soil and Geologic Conditions Policy No. 8
- Earthquakes Policy No. 1
- Earthquakes Policy No. 3
- Earthquakes Policy No. 5

MITIGATION MEASURES INCLUDED IN THE PROJECT

- The project shall be designed and constructed to ensure structural stability as required by the earthquake design regulations of the Uniform Building Code.
- All earthwork and foundation plans and specifications shall comply with the recommendations of the geotechnical investigation and supplemental liquefaction evaluation by Lowney Associates. The geotechnical report lists approximately 25 recommendations that are included in the project for earthwork, drainage, foundations, pavements and utility trenches, most of which reflect standard engineering practices that are not required to mitigate environmental impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included below.
- Special foundations shall be utilized in any residences subjected to expansive soils movement.
- Slabs-on-grade shall have sufficient reinforcement and shall be supported on a layer of non-expansive fill.
- Drainage shall be controlled and directed away from all structures and pavements.
- Any undocumented fill encountered during construction, including beneath the existing building, shall be over-excavated and the bottom of the excavation scarified and recompacted prior to the placement of any new engineered fill; and, if suitable, the undocumented fill shall be reused as engineered fill.
- Post-tensioned mat foundations bearing on prepared natural soil or compacted fill shall be utilized.
- The project structural engineer shall check that the mat foundations can tolerate the estimated total and differential settlements, and interpolate or extrapolate the deflection criteria as necessary.
- A City approved erosion control plan shall be developed and implemented with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

HAZARDS AND HAZARDOUS MATERIALS

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

The project shall incorporate the following San Jose 2020 General Plan Policies as part of the project's Program Level Mitigation Measures:

- Hazards Policy No. 1
- Soils and Geologic Conditions Policy No. 9

- Hazardous Materials Policy No. 3
- Hazardous Waste Management Policy No. 9

- The project site shall be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a Soil Management Plan shall be developed and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility.
- The hydrocarbon-impacted soil beneath 1130 Campbell Avenue shall be removed and appropriately disposed of at an offsite permitted facility.
- Completion of the removal/replacement of the hydrocarbon-impacted soil shall be verified via letter submitted to the Environmental Program Manager of the City's Environmental Service Division prior to release of building permits.
- The arsenic-impacted soil along the northeasterly site boundary adjacent to the offsite railroad tracks shall be remediated by such measures as removal and appropriate disposal at an offsite permitted facility, soil mixing, or encapsulation beneath street pavements.
- Completion of the removal/replacement of the arsenic-impacted soil shall be verified via letter submitted to the Environmental Program Manager of the City's Environmental Service Division prior to release of building permits.
- If the transformer(s) are to be removed or if leaks are observed, the transformer oil shall be tested for PCBs; and if PCBs are detected, a mitigation program shall be developed and implemented with such measures as soil testing, removal, and/or offsite disposal at a permitted facility.
- The structures to be removed shall be surveyed for the presence of asbestos-containing materials at the demolition permit stage; and if any suspect ACM are present, they shall be sampled prior to demolition in accordance with NESHAP guidelines, and all potentially friable ACM shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with NESHAP and Cal-OSHA requirements.
- The structures to be removed shall be surveyed for the presence of lead based paint at the demolition permit stage; and if any suspect LBP is present, it shall be sampled prior to demolition, and all potential LBP shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with EPA and OSHA requirements.

HYDROLOGY AND WATER QUALITY

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

The project shall incorporate the following San Jose 2020 General Plan Policies as part of the project's Program Level Mitigation Measures:

- Services and Facilities Level of Service (Storm Drainage and Flood Control) Policy No. 12
- Flooding Policy No. 1
- Bay and Baylands Policy No. 5

- Water Resources Policy No. 4
- Water Resources Policy No. 8
- Water Resources Policy No. 9
- Water Resources Policy No. 12

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities, and non-stormwater management controls, shall be submitted to the RWQCB and maintained onsite, respectively, to comply with the stormwater discharge requirements of the NPDES General Permit.
- The project shall comply with the pollutant control and peak flow control measures, including a combination of site design, source control, and treatment Best Management Practices (BMPs), and the numeric sizing requirements of the SCVURPPP NPDES (MS4) Permit.
- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMP) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water

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separators, porous pavement, fossil filters, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.

- The project shall incorporate the following site design, source control, and treatment measures to minimize the discharge of stormwater pollutants:
 - Bioswales shall be incorporated into the stormwater drainage design.
 - A Continuous Deflective Separation (CDS) unit to treat stormwater flows shall be installed near the outfall of the storm drainage system.
 - · Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
 - Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris.

LAND USE AND PLANNING

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

The project shall incorporate the following San Jose 2020 General Plan Policies as part of the project's Program Level Mitigation Measures:

- Balanced Community Policy No. 1
- Balanced Community Policy No. 2
- Residential Land Use Policy No. 11
- Industrial Land Use Policy No. 3
- Urban Design Policy No. 1

- Urban Design Policy No. 6
- Urban Design Policy No. 22
- Energy Policy No. 1
- Hazards Policy No. 1

NOISE

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

The project shall incorporate the following San Jose 2020 General Plan Policies as part of the project's Program Level Mitigation Measures:

- Urban Design Policy No. 18
- Noise Goal

- Noise Policy No. 1
- Noise Policy No. 9

- Mechanical ventilation shall be provided in accordance with Uniform Building Code requirements when windows are to be closed for noise control.
- A 10-foot-high noise attenuation barrier shall be constructed along the northeasterly site boundary, with small segments constructed along northwesterly and southeasterly boundaries to control flanking.
- Windows and sliding glass doors on the first, second and third floors of the buildings shall have the minimum required STC ratings indicated on the Noise Attenuation maps, Figures 29a through 29c, in the Environmental Clearance Application / Initial Study.
- Construction operations shall be limited to the daytime hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite work within 500 feet of any residential unit so as to avoid the more sensitive evening, nighttime and weekend hours.
- All construction equipment, fixed or mobile, shall be in proper operating condition and fitted with standard factory silencing features; mufflers shall be used on all heavy construction equipment.
- Residential buildings shall be set back 30 feet or more from the northeasterly property line along the railroad tracks.

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- The structure of the buildings shall be stiffened to reduce vibration amplification on second floors; a qualified acoustical engineer shall be retained during the design phase to provide recommendations.
- A disclosure statement shall make homebuyers aware of the trains and the potential for perceptible vibration.

PUBLIC SERVICES

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

The project shall incorporate the following San Jose 2020 General Plan Policies as part of the project's Program Level Mitigation Measures:

- Services and Facilities Level of Service (Other Services)
 Policy No. 16
- Services and Facilities Level of Service (Other Services) Policy No. 17
- Parks and Recreation Policy No. 1
- Parks and Recreation Policy No. 16
- Parks and Recreation Policy No. 18

MITIGATION MEASURES INCLUDED IN THE PROJECT

• A 1.51-acre portion of the site shall be dedicated to the City for public park purposes.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **November 29, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP Director, Planning, Building and Code Enforcement

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Adopted on:			
MND/RE/9/24/01		Deputy	